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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,265	11/17/2003	Kevin Currans	200205905-1	5095

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EXAMINER

DURNFORD-GESZVAIN, DILLON

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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03/06/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/715,265	Applicant(s) CURRANS, KEVIN	
	Examiner DILLON DURNFORD GESZVAI	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims **1-24** are pending and claims **13, 14** and **23** are amended.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

3. Applicant's arguments, see page 9 of Remarks, filed 1/21/2008, with respect to the rejection(s) of claim(s) **1-6, 8-17** and **19-22** under 35 U.S.C. § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 6,469,698 (Fukahori).
4. Applicant's arguments with respect to claims **23** and **24** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims **23** and **24** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention.

7. Claim **23** recites the limitation "calculating a confidence factor relating to the matched inference data to rate how closely the inference metadata matches the captured image." The specification discloses in page 9, paragraph [0039] that "a confidence factor is calculated based on statistical probability and is associated with matching metadata." The previous passage from the specification is the only recitation in the specification on how to calculate a confidence factor. The confidence factor being calculated "based on statistical probability" gives no information about what the confidence factor is or how it is calculated other than that the calculation involves statistical calculations. There is no disclosure as to how this factor is actually generated. Similarly, there is no description of how the confidence factor is used to determine the closeness of the match between the metadata and the image data. Therefore, one of ordinary skill in the art would have to perform undue experimentation in order to deduce how the confidence factor is calculated or how it would be applied in the method of claim **23**.

8. Claim **24** is rejected as it depends from claim **23**.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2622

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims **1-6, 8, 12-17** and **19** are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,469,698 (Fukahori).

11. As to claim **1**, Fukahori teaches a method of correlating an image with information associated with information associated with the image comprising:

identifying image metadata for the image (step S101 and S102 in Fig. 2), wherein the image metadata includes information associated with the conditions at the time of image capture (Column 3 lines 7-17);

searching one or more information sources using parameters in the image metadata to collect inference information from the information sources (Column 4 lines 8-51); and

displaying the image inference information (Fig. 4 and Column 4 lines 8-51).

12. As to claim **2**, see the rejection of claim **1** and note that Fukahori further teaches the method of claim **1** further comprising:

receiving one or more inputs from the user identifying selected inference information (Column 4 line 52 to Column 5 line 6); and

adding the selected inference information to an image file for the image (Column 5 line 49 to Column 6 line 13).

13. As to claim **3**, see the rejection of claim **1** and note that Fukahori further teaches the method of claim **1** further comprising:

receiving one or more inputs from the user identifying selected inference information (Column 4 line 52 to Column 5 line 6); and

adding the selected inference information to an inference metadata file linked to the image (Column 5 line 49 to Column 6 line 13).

14. As to claim 4, see the rejection of claim 1 and note the Fukahori further teaches the method of claim 1 wherein the image metadata includes parameters selected from the group consisting of:

time of image capture;

date of image capture;

location of image capture (Column 3 lines 7-17);

direction of image capture device during image capture; and

angle of image capture device during image capture.

15. As to claim 5, see the rejection of claim 1 and note that Fukahori further teaches the method of claim 1 wherein the image metadata includes a latitude and longitude of the image capture device (Column 3 lines 7-17).

16. As to claim 6, see the rejection of claim 1 and note that Fukahori further teaches the method of claim 1 wherein the image metadata includes location information generated by tracking multiple earth-orbiting satellites (Column 3 lines 7-17).

17. As to claim 8, see the rejection of claim 1 and note that Fukahori further teaches the method of claim 1 wherein the inference information is selected from the group consisting of:

landmarks located near the image;

weather at the time of image capture;

information related to the location where the image was captured (Column 4 lines 32-59, corporation name for example); and

objects that are within the field of view of the image capture device.

18. Claims 12-17 and 19 are apparatus claims that correspond to the method claims 1-6 and 8 respectively and are therefore rejected on the same grounds but directed to an apparatus instead of a method.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,469,698 (Fukahori) in view of US 6,961,096 (Tsujimoto).

21. As to claim 7, see the rejection of claim 1 and note that Fukahori does not teach printing the image, the image metadata, and selected inference information.

However, Tsujimoto teaches printing image data along with associated meta-data and other descriptive information, such as a location name (See Fig. 6 and Column 8 lines 61-67 and Column 11 lines 41-48). This feature allows for the benefit to the user of being able to identify the circumstances surrounding an image capture including a place name (Column 8 lines 47-51 and Column 11 lines 41-48).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made prints of the images taken by the method of Fukahori and to have further printed meta-data and the associated inference data as is done in a method taught by Tujimoto as discussed above as this would allow a user to identify when and where the image was taken.

22. Claim **18** is an apparatus claim that corresponds to the method claim **7** and is therefore rejected on the same grounds but directed to an apparatus instead of a method.

23. Claims **9-11** and **20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,469,698 (Fukahori) in view of US 2004/0114042 (Paolini).

24. As to claim **9**, see the rejection of claim **1** and note that what Fukahori does not explicitly teach is searching a first database using image metadata to identify inference information; and searching a second database using the inference information to identify additional inference information.

However, Paolini searching a first database (a local database) using the image

metadata to identify the inference information ([0032]); and searching a second database (a web-based database, for example) using the inference information to identify additional inference information ([0034]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have searched a second larger database if the first database did not find the information that the user required ([0034] of Paolini).

25. As to claim **10**, see the rejection of claim **1** and note that what Fukahori does not explicitly teach is associating the image metadata with a series of images taken over a period of time.

However, Paolini teaches associating metadata with a series of images taken over a period of time ([0019], note the system may be used to annotate videos).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added metadata to a series of images taken over a period of time as is done in Paolini to the method of Fukahori as this would allow for easier identification of videos as well as still images.

26. As to claim **11** see the rejection of claim **1** and note that Fukahori does not explicitly teach is associating the image metadata with a series of images taken over a period of time while the location of the image capture device was changing.

However, Paolini teaches associating metadata with a series of images taken while the location of the image capture device was changing ([0019], the system may be

used to capture data associated with video, or see Fig. 3 and note that the method of Fig. 3 may be carried out repeatedly).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have associated image capture metadata with a series of images where the location was changing as is done in Paolini in the method of Fukahori as this would allow for the location where the series of images were recorded to be determined separately and would help to identify the images for a user:

27. Claims **20-22** are apparatus claims that correspond to the method claims **7** and **9-11** respectively and are therefore rejected on the same grounds but directed to an apparatus instead of a method.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILLON DURNFORD GESZVAI whose telephone number is (571)272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dillon Durnford-Geszvain

2/27/2008



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